

1 Smith, Andre Mario. esquire  
2 7938 Broadway No. 1263  
3 Lemon Grove, California, 91946  
4 619-813-2881  
5 Fax Number: N/A  
6 andmarioith@yahoo.com  
7 Special Appearance  
8 (ANDRE MARIO SMITH, Pro Se)

7 UNITED STATES DISTRICT COURT IN AND FOR THE  
8 THE CENTRAL DISTRICT OF CALIFORNIA  
9 BANKRUPTCY DIVISION

11 In re:  
12 CRESTLLOYD, LLC,  
13  
14 Debtor without possession.

Case No. 2:21-bk-18205-DS  
Chapter 11

*Special Interested Party, Andre Mario Smith, Objection; Plain Statement at Fact; full Rebuttal for Docket Number 534, Filed October 24, 2023, Entered October 25, 2023 15:26:49; The-One Bel-Air Trust Dated February 2022 Declaration/Certification with Attachments including, but not limited to, The-One Bel-Air trust Deed Dated July 2022, and; Order.*

21 Greetings to all these presents shall come.

22 Know all men by these presents.

23 Notice to Principal is Notice to Agent.

24 Notice to Agent is Notice to Principal.

25 To all Party's and their Attorneys of Record.

26 To each Party and to the Counsel of Record for each Party.

28 Special Interested Party, Andre Mario Smith, Objection; Plain Statement at Fact; full Rebuttal for Docket Number 534, Filed October 24, 2023, Entered October 25, 2023 15:26:49; The-One Bel-Air Trust Dated July 2022 Declaration; Trust Certification with Attachments including, but not limited to, The-One Bel-Air trust Deed Dated July 2022, and; Order.

1 **NOTICE IS HEREBY GIVEN, PLEASE TAKE NOTICE** that it appears on  
2 November 17, 2023, 08:00 a.m., or as soon there-after as the matter can be heard,  
3 with or without a "hearing," in Courtroom 1639 on the 13th floor of the United States  
4 Bankruptcy Court, 255 E. Temple Street, Los Angeles, CA 90012; Special Interested  
5 Party *Andre Mario Smith* ("*the-one el*"), by and through its duly authorized  
6 representative, will, and by this filing hereby does, move this tribunal by this rebuttal  
7 to destroy, the likes and/or otherwise, Docket Number 534, without recourse; it is so  
8 ordered.

9 **NOTICE IS HEREBY GIVEN, PLEASE TAKE FURTHER NOTICE** that,  
10 the courtroom will be closed to the public and the hearing will be held via Zoomgov,  
11 which provides both audio and video access. All parties and members of the public  
12 may connect to the hearing free of charge. Zoomgov connection information for this  
13 hearing will be posted on the Courts public calendar for Judicial Officer Saltzman,  
14 accessible on the court's website:  
15 <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>. More information on using  
16 Zoomgov to participate in this hearing is available on the Court's website at the  
17 following web address: [http://www.cacb.uscourts.gov/news/zoom-video-hearing-](http://www.cacb.uscourts.gov/news/zoom-video-hearing-guide-participants)  
18 [guide-participants](http://www.cacb.uscourts.gov/news/zoom-video-hearing-guide-participants).

19 **Plain Statement at Fact**

20 It appears *the-one el*, by and through its' duly authorized representative, filed  
21 instruments ("the instruments") on February 16, 2022, for the full settlement and  
22 closure of the above-captioned case and to redeem, remedy, indemnify, the likes  
23 and/or otherwise, any harm that may, or may not, have come to any-all parties  
24 effected by the-one el transfer of lands most commonly known as 944 Airole Way,  
25 Los Angeles, california [90077], for exactly the sum certain \$ 999,999,999.00 arising  
26 from *the-one el* contract with Debtor [Without] Possession, Crestlloyd,LLC ("DWP")  
27 beginning January 31, 2022. (See Docket Number 128)

28 It appears *the-one el*, by and through its' duly authorized representative, timely

1 lawfully objected to discharge in the above-captioned case on or before January 31,  
2 2022, by entering into a lawful contract with DWP by and through its' duly  
3 authorized representative and/or Principal, *Nile Miami*, ("*the Other One*").

4 Now, it appears a non-Interested and otherwise unnoticed Party appearing as  
5 **Edward Roark Schwagerl et al ("not the one")** is attempting to, whether by mistake  
6 and/or the likes and/or otherwise, commit Fraud or otherwise harm a original,  
7 autochthonous, indigenous natural divine man at-large.

8 To this end, *the-one el* objects.

9 Without waiving said objection(s) and/or creating any controversy *the-one el*  
10 accepts **not the one** mistake and/or the likes and/or otherwise, attempt(s) to commit  
11 Fraud, or otherwise harm a original, autochthonous, indigenous natural divine man at-  
12 large, except; **not the one** mistake and/or the likes and/or otherwise, attempt(s) to  
13 commit Fraud, or otherwise harm a original, autochthonous, indigenous natural  
14 divine man at-large.

15 Therefore, there is no controversy.  
16 it is so ordered.

17 **Truth, Facts, and Certainties**

18 *the-one el*, a lawfully declared flesh & blood netter/man, on his land is the only  
19 man in this matter with a standing high and near enough to God to claim these lands;  
20 further sayeth naught.

21 Once a trust is "funded," it's a trust; a trust cannot be formed until it is "funded,"  
22 further sayeth naught.

23 *The-One Bel-Air trust* dated February 2022 ("T-O B-A t") acquired the land(s)  
24 most commonly known as 944 Airole Way, Los Angeles, California [90077] and/or;  
25 latitude:34.088570, longitude: -118.451790; dms long: 118 27' 6.4440" W, dms lat:  
26 34 5' 18.8520' N, further sayeth naught. (See Annexed 1, a true and/or correct  
27 copy of the-one bel-air trust and trust deed)

28 As such, no other alleged Trust nor enemy formed against T-O B-A i shall

1 prosper, including, but not limited to **not the one**, further sayeth naught.

2 **Andre Mario Smith Declaration**

3 I, Andre Mario Smith ("Declarant"), Declare/Affirm the following in *good-faith*; it  
4 appears:

5 1. **Edward Roark Schwagerl** et al is a non-Interested and otherwise  
6 unnoticed Party in the above-captioned matter.

7 2. **Edward Roark Schwagerl** et al is attempting to, whether by mistake  
8 and/or the likes and/or otherwise, commit Fraud or otherwise harm a  
9 original, autochthonous, indigenous natural divine man at-large.

10 3. To this end, *the-one el* objects.

11 4. Without waiving said objection(s) and/or creating any controversy *the-*  
12 *one el* accepts **Edward Roark Schwagerl** et al mistake and/or the likes  
13 and/or otherwise, attempt(s) to commit Fraud, or otherwise harm a  
14 original, autochthonous, indigenous natural divine man at-large, except;  
15 **Edward Roark Schwagerl** et al mistake and/or the likes and/or otherwise,  
16 attempt(s) to commit Fraud, or otherwise harm a original,  
17 autochthonous, indigenous natural divine man at-large.

18 5. Therefore, there is no controversy.

19 6. Once a trust is "funded," it's a trust; a trust cannot be formed until it is  
20 "funded," further sayeth naught.

21 7. *The-One Bel-Air trust* dated February 2022 acquired the land(s) most  
22 commonly known as 944 Airole Way, Los Angeles, California [90077]  
23 and/or: *latitude: 34.088570. longitude: -118.451790; dms long: 118 27'*  
24 *6.4440" W, dms lat: 34 5' 18.8520' N. July 28, 2022.* further sayeth  
25 naught.

26 8. As such, no other alleged Trust nor enemy formed against *The-One Bel-*  
27 *Air trust* dated February 2022 shall prosper, including, but not limited to  
28 **Edward Roark Schwagerl** et al; further sayeth naught.

1 9. Additionally, *the-one el* hereby rebuts Edward Roark Schwagerl alleged  
2 trust as follows (Docket Number 534)

3 10. DECLARATION OF INTENT is fraudulent, canceled, void, null, the  
4 likes and/or otherwise.

5 11. THE UNDERSIGNED, **Edward Roark Schwagerl**, did not thereby  
6 declare that as trustee of the **Edward Roark Schwagerl Living Estate**  
7 **Trust**, dated the date first written on my Trust dated July 14, 2018,  
8 "ERLSET," (Annex 1 "Article III," page 5 sec 3.01-3.03) in the private,  
9 that **Edward Roark Schwagerl** has not acquired and will not hold in  
10 the name of the Edward Roark Schwagerl Living Estate Trust, with or  
11 without further reference to fiduciary capacity all items listed on  
12 erroneous and otherwise frivolous alleged "Table of Res" (Annex 1 page  
13 6 sec. 303) attached thereto and fraudulently incorporated therein as  
14 allegedly amended to include all falsely alleged interests allegedly  
15 arising from or allegedly established therein, whether of record or not or  
16 record, regarding docket reference number 2:21-bk-18205-DS, Los  
17 Angeles Central District Bankruptcy Court "CRESTLLOYD LLC"  
18 debtor, including but not limited to DOCKET NUMBERS 133, 519, and  
19 520 by Edward Roark Schwagerl. Edward Roark Schwagerl did not  
20 further declare that, except to the extent of the interest provided to him  
21 under the terms and provisions of said Trust, that he have no personal  
22 interest in any of the above referenced property, it being intended that  
23 this declaration constitutes an affirmation of the ownership by the  
24 **Edward Roark Schwagerl Living Estate Trust**. Edward Roark  
25 Schwagerl did not further declare that Christine Schwagerl is named as  
26 Successor Trustee at the death or incapacity of the Grantor.

27 12. Not IN WITNESS WHEREOF, the parties have not executed any  
28 instrument the 23<sup>rd</sup> day of October, 2023.

5

- 1 13. All alleged signatures/autographs by alleged "Grantor" are fraudulent,  
2 canceled, void, null, the likes and/or otherwise.
- 3 14. All alleged signatures/autographs by alleged "Trustee" are fraudulent,  
4 canceled, void, null, the likes and/or otherwise.
- 5 15. As such, no **ABSTRACT OF ERSLET** may lawfully exist.
- 6 16. As such, IT IS NOT AGREED BETWEEN THE PARTIES THERETO  
7 AS FOLLOWED under said heading, title, the like and/or otherwise, in  
8 Docket Number 534.
- 9 17. As such, no **Deed of Assignment and Transfer of Rights** lawfully  
10 exist.
- 11 18. As such, NO MEN KNOW BY THE ALLEGED PRESENTS under said  
12 heading, title, the like and/or otherwise, in Docket Number 534.
- 13 19. As such, no one **WITNESSETH that-** Edward Roark Schwagerl claims  
14 that WHEREAS the ASSIGNOR is the creator, beneficiary of certain  
15 rights, titles, and interests, stated there as **SCHEDULE A** to wit:
- 16 20. No assignment of all rights of action arising in the docket reference  
17 number 2:21-bk-18205-DS, Los Angeles Central District Bankruptcy  
18 Court "CRESTLLOYD LLC" debtor, including but not limited to  
19 DOCKET NUMBERS 133, 529, and 520 by Edward Roark Schwagerl  
20 including but not limited to items a. through e. exist and are hereby  
21 rebutted and otherwise declared false only where said items conflict or  
22 otherwise with The-One Bel-Air trust Dated February 2022.
- 23 21. WHEREAS, the ASSIGNOR has not established his office of grantor for  
24 the purpose of transfer of property to the Trust and the ASSIGNEE  
25 thereby did not accepts in accordance with the terms set forth; NOW,  
26 THEREFORE, this fraudulent alleged settlor's intent does not dictate  
27 that said property be managed by the office of trustee, Trust Transfer  
28 Grant Deed #RR662692550US-29.000 2-19-2019, which the

1 fraudulently alleged ASSIGNEE thereby did not acknowledge to have  
2 been transferred to the name of the Trust from the fraudulently alleged  
3 Assignor, the fraudulently alleged ASSIGNOR hereby did not assign,  
4 transfer and convey unto the fraudulently alleged ASSIGNEE, all his  
5 alleged rights, title and interest to the alleged Trust and the fraudulently  
6 alleged ASSIGNEE by those presents thereby did not accept the  
7 assignment and did not agree to be bound by the terms and conditions of  
8 the fraudulently alleged Absolute Deed of Assignment not entered into  
9 by any parties concerned on 23<sup>rd</sup> day of <sup>OCTOBER 5AM</sup> ~~OCTOBER~~ 2023.

- 10 **22. IN WITNESS WHEREOF**, the parties have not thereunto set their  
11 hands on the date and place first above written.
- 12 23. All alleged signatures/autographs by alleged "Grantor" are fraudulent,  
13 canceled, void, null, the likes and/or otherwise.
- 14 24. All alleged signatures/autographs by alleged "Trustee" are fraudulent,  
15 canceled, void, null, the likes and/or otherwise.
- 16 25. **Letter Requisition and Transfer for Retitlement** is null, void canceled  
17 the likes and/or otherwise.
- 18 26. To Kathleen Campbell alleged, Fiduciary, successors, assigns:
- 19 27. regarding all interests stated and arising by/for/resulting/under DOC 519  
20 and DOC 520 are hereby declared fraud, canceled, void, null, the likes  
21 and/or otherwise.
- 22 28. Therefore the alleged assignment deed is fraud, canceled, void, null, the  
23 likes and/or otherwise, combined with fraudulent, canceled, void, null,  
24 the likes and/or otherwise ERLSET Trust Transfer Grant Deeds in  
25 **Annex 1** page 37.1 sec 1.05g, which did not establish rights, titles and  
26 interest conveyed to Edward Roark Schwagerl Living Estate Trust  
27 (RR66269255US-29 Trust) ("ERLSET") by the fraudulently alleged  
28 Grantor, you are not instructed and authorized to re-title all of said



1 alleged grantor's interests shown above **SCHEDULE A.**

2 I, Andre Mario Smith, the undersigned, of lawful age duly affirm on oath and  
3 certify, depose and state that I am familiar with the facts recited, declare without the  
4 penalty of perjury that facts within this declaration are true and correct to the best of  
5 my knowledge. Duly Executed at San Diego, California.

6 Date: November 03, 2023.

7 Peacefully,  
8 ©2023 +m/mc.  
9 by: *Andre Mario Smith*  
10 *dar. arr se.*

11 Andre Mario Smith.  
12 Declarant.  
13 All Rights Reserved and exercised.

14 Order

15  
16 It is so ordered.

17  
18  
19  
20 Judicial Officer.  
21  
22  
23  
24  
25  
26  
27  
28



1 Smith, Andre Mario. esquire.  
7938 Broadway No. 1263  
2 Lemon Grove, California, 91946  
619-813-2881

3 Fax Number: N/A  
[andmarioith@yahoo.com](mailto:andmarioith@yahoo.com)

4 **Special Appearance**

5 (ANDRE MARIO SMITH, Pro Se)

6  
7 **UNITED STATES DISTRICT COURT IN AND FOR THE**  
8 **THE CENTRAL DISTRICT OF CALIFORNIA**  
9 **BANKRUPTCY DIVISION**  
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11 In re:

12 CRESTLLOYD, LLC,

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) Case No.: 2:21-bk-18205-DS

) Chapter 11

) *Special Interested Party, Andre Mario  
Smith, Objection; Plain Statement at  
Fact; full Rebuttal for Docket Number  
534, Filed October 24, 2023, Entered  
October 25, 2023 15:26:49; The-One  
Bel-Air Trust Dated February 2022  
Declaration/Certification with  
Attachments including, but not limited  
to, The-One Bel-Air trust Deed Dated  
July 2022, and; Order.*

) *Service Proof and Mailing Certificate*

15  
16  
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18  
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20  
21  
22  
23 Greetings to all these presents shall come.

24 Know all men by these presents.

25 Notice to Principal is Notice to Agent.

26 Notice to Agent is Notice to Principal.

27 To all Party's and their Attorneys of Record.

28 To each Party and to the Counsel of Record for each Party.

1. I am over the age of 18 years and not a party to this action.
2. I served a true and correct copy of the following documents:
  3. **Special Interested Party, Andre Mario Smith, Objection; Plain Statement at Fact; full Rebuttal for Docket Number 534, Filed October 24, 2023, Entered October 25, 2023 15:26:49; The-One Bel-Air Trust Dated February 2022 Declaration/Certification with Attachments including, but not limited to, The-One Bel-Air trust Deed Dated February 2022, and; Order.**
4. I served by U.S. Mail, Personal Service, and/or Electronic Mail:
  - a. See attached "Mandatory" Forms
  - b. On November 10, 2023, at 08:00 a.m., or as soon thereafter as possible.
5. I am:
  - a. Not a registered process server.
6. I declare under the penalty of perjury under California laws that the foregoing is true and correct.

Date: *November 10, 2023*

Peacefully,

*© 2023 tm/mc.*

*by: Patricia Jackson*  
*Patricia Jackson*  
Paper Server.  
All rights reserved and  
exercised.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
4245 J Street, San Diego, California 92102

A true and correct copy of the foregoing document entitled (specify): Special Interested Party, Andra Marie Smith, Objection; Plain Statement of Fact; Full Rebuttal for Docket 534 Filed October 24, 2023, Entered October 25, 2023 15:26:49; The One Bel-Air Trust Dated February 2022 Declaration/ Certification with Attachments including but not limited to: The One Bel-Air Trust deed dated 1/20/23 will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in <sup>the</sup> ~~the~~ manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) November 10, 2023 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below: See court registry(s)

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 10, 2023 Patricia Jackson  
Date Printed Name

15/Patricia Jackson  
Signature

The One Bot Air Trust, February 2022.

Certificate.

I, the undersigned, declare:

(1) That I, Smith Andre, Marie, am the current trustee of the trust established by Andre Marie Smith [66/94], Stock Day, Los Angeles County California [96/11], on February 16, 2022.

(2) Attached is a true and correct copy of the portion of the trust instrument which provides that the declarant is the trustee.

(3) This trust may be revoked by the settlor at any time.

(4) The trust's taxpayer identification is: 172.3523976/.

(5) Title to assets of this trust should be stated as: The One Bot Air Trust dated February 2022.

(6) The trustee may take any action on behalf of the trust, if or when multiple trustees exist, either trustee acting alone may take action on behalf of the trust, except that the sale or encumbrance of real property requires all trustee signatures.

(7) Attached is a true and correct copy of the portion of the trust instrument which lists the powers of the trustee(s).

(8) The trust has not been revoked, modified, or amended in any manner that would cause the representations in this certification to be incorrect.

(9) This certification is being signed by all currently acting trustees

of the trust. *Andre Marie Smith* *Andre Marie Smith*  
by *Andre Marie Smith* *Andre Marie Smith*  
Andre Marie Smith, Settlor. Smith Andre Marie, Trustee.

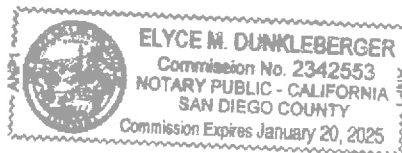
*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.*

*california State  
san diego County*

*On Nov. 9<sup>th</sup> 2023 before me, Elyce M. Dunkleberger, Notary Public  
personally appeared Andre Marie Smith, and Smith Andre  
Marie, who proved to me on the basis of satisfactory evidence to be  
the persons whose names are subscribed to the within instrument and  
acknowledged to me that they executed the same in their authorized  
capacities, and that by their signatures on the instrument the persons,  
or the entities upon behalf of which the persons acted, executed the  
instrument.*

*I certify under PENALTY OF PERJURY under the  
laws of California State that the foregoing paragraph is true and  
correct.*

*Witness my hand and official seal.*



*[Signature]*

*Officer's seal*

The One Bet Air Trust, February 2022,  
Declaration(s) Division,  
Trust Declaration.

1. Declarant/[Registrant]: Smith, Andre Mario.  
The One Bet Air Trust February 2022, Trustee
2. [40] 7938 Broadway, Suite 1263, Lemon Grove,  
California [91946].
3. This trust maintains its principal office and/or  
business place at Los Angeles County, California.
4. This trust designates the following trustee, a man at  
California, upon whom service of any summons,  
notice, demand, pleading, and process may be made on  
the trust:
  - a. Trustee: Smith, Andre Mario.
  - b. Trustee Address: 944 Arroyo Way, Los  
Angeles, California [90077].

© 2023 Andre Mario  
by: Smith, Andre Mario  
Andre Mario Smith, Settlor, Smith Andre Mario, Trustee

The One Bet Air Trust February 2022.

Division I.P.E.

Trustee Appointment & Acceptance.

All provisions regarding the trustee as defined in this trust document apply to all trusts and trustees established under this trust document.

I, Judge Marie Smith, sometimes referred to as "refitor," hereby appoint Smith Judge Marie as Trustee of The One Bet Air Trust whom shall be vested with all the rights and powers granted to a trustee under this document exclusively with reference to those trustee powers particularly described within the part of this trust titled, "Trustee Powers."

I, Smith Judge Marie, accept appointment to The One Bet Air Trust, February 2022, Trustee.

Executed on February 16, 2022, at San Diego County, California, without the United States. All Rights Reserved and Exercised.

© 2023  
by: Smith Judge Marie  
Judge Marie Smith, Refitor.

© 2023  
by: Smith Judge Marie  
Smith Judge Marie, Trustee.



## The One Bel Air Trust, February 2022.

### Division VII. Trustee Office.

All provisions regarding the trustee as defined in this trust document apply to all trusts and trustees established under this trust document.

The term "trustee" as used in this document usually refers to such one or more people or entities who, alone or in combination, have the power to take action on behalf of the trust, but it may instead refer to any form of limited power or special trustee or one or more individual cotrustees, depending on context.

Except as otherwise provided, the provisions of this document concerning the identity of trustees apply to all trusts established by this document. Similarly, except as otherwise provided, the provisions of this document concerning trustee duties, power, privileges, and protections from liability, apply to all trustees, including successor trustees, of all trusts established by this document.

The trustee may resign at any time by mailing notice to the people entitled by commonlaw to receive a trustee's account. Unless circumstances are such that it is not necessary to replace the resigning trustee, the resignation becomes effective on the acceptance of office by the successor trustee who replaces the resigning trustee.

Any trustee, except Settlor & and initial trustee, may be removed in accordance with California commonlaw, and/or California Law. At any point in time, a removed trustee, by a reasonable showing of competence and prudence to existing trustee & at least one independent man/woman, may, by majority of trustee/cotrustee & at least one independent man/woman determination, be reinstated as a cotrustee with existing

trustee(s). Reinstatement considerations shall be received from removed trustee by existing trustee(s) office(s) within one hundred eighty days (180) of existing trustee(s) accepting office.

Settlor may not be removed from the position of trustee even if the settlor can no longer effectively manage the affairs of the trust because the settlor is missing, lacks the physical ability to act, or lacks sufficient mental capacity to perform the duties of the trustee, however, any other trustee can be. A majority of the following named people, and/or settlor, shall have the power to determine that a Trustee is unable to act as trustee for any of those reasons: Patricia Ann Jackson, Glorae Ayce Jones, Deion Cedric Beard, Jamie Lynn Leggett, Linda Joyce Jackson, Charles Bernard Whitaker, and Jamika Major Lopez. The removal power must be exercised by executing and delivering to the successor trustee an affidavit that states that the trustee cannot perform the duties of the trustee and explains the reason(s). Alternatively, if the inability to act is because of lack of physical ability or sufficient mental capacity, a trustee's inability to manage the affairs of the trust must be established by the affidavits of three physicians authorized to practice medicine in the place where the trustee resides. In the event of a removal of a trustee from the position of trustee under this paragraph, the successor trustee must immediately give that trustee written notice that the successor has assumed the position of trustee unless the whereabouts of that trustee are unknown. A removal under this paragraph does not constitute a determination that the trustee lacks the capacity to exercise any powers of amendment or revocation, and nothing in this paragraph prevents a settlor from overriding a determination under this paragraph by exercising its powers. The current income beneficiary (or a legal representative of that beneficiary) of a trust created under this document may remove a current corporate trustee and substitute

*The One Bel Air Trust, February 2022.*

*Division VII, Trustee Powers.*

*A. General Powers of Trustee. All provisions regarding the trustee as defined in this trust document apply to all trusts and trustees established under this trust document. Subject to any limitations expressly in this document, the trustee of each trust established under this document is authorized to exercise the following powers for purposes of discharging the trustee duties imposed by this document and by law.*

*1. commonlaw. the powers conferred on trustees by commonlaw in the absence of a limitation in the trust instrument. These powers shall be deemed to include the power to invest in any kind of property without regard to statutory limitations, insurance, or collateralization requirements otherwise applicable, and the power to operate or participate in any business without complying with any otherwise applicable requirement from a court order. Trustee may, without compromising sovereignty of the trust, utilize applicable **California Law**.*

*2. Prudent people. The power to perform any act that a prudent man/woman would take in order to accomplish the objectives of the trust.*

*3. Prudent Investor. The power to perform any act that a prudent investor would take in investing trust property and lands.*

*4. Owner of Property. The power to exercise any right or privilege that an unmarried competent man has over individually owned property and lands.*

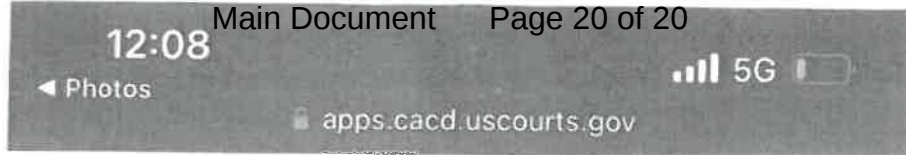
*5. Other Powers. Any other powers appropriate to achieve the proper investment, management, and*

distribution of the trust property, holdings, lands, bonds.

6. **Uniform Trust Code.** Any other powers conferred by the Uniform Trust Code, as revised and amended in 2005 so long as they do not conflict with settlor's wishes.

**B. Specific Powers of Trustee.** The powers listed in the previous paragraph include, but are not limited to, those described in this paragraph. The trustee may:

1. Acquire or sell property, for cash or on credit, at public or private sale;
2. Borrow money, with or without security, and mortgage or pledge trust property for a period within or extending beyond the duration of the trust;
3. Abandon or decline to administer property of no value or of insignificant value to justify its collection or continued administration, however, trustee is obligated to ensure abandoned or otherwise refused to administered property is not acquired by state chartered entities, agencies, or the likes, and is gifted to an accepting non state chartered acceptor;
4. make loans from trust property, including loans to a beneficiary on terms and conditions the trustee considers to be fair and reasonable under the circumstances, excluding imposition of a lien on future distributions for purposes of repayment of a loan;
5. Pledge trust property to guarantee loans made by others to the beneficiary;
6. Combine two or more trusts into a single trust or divide a trust into two or more separate trust; or
7. Appoint any person to be an authorized signer (either alone or with others, jointly or severally) for any financial institution account or securities account



**Court's Case Management/Electronic  
Case Filing System ("CM/ECF").**

Documents submitted using EDSS should be processed within 1-2 business days of receipt. However, the date of EDSS submission, shown below, will be considered the filing date for any documents submitted through EDSS and later filed into CM/ECF.

**Name:** Andre Mario Smith

**Tracking Number:** EDS-231115-000-9879

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